IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.885 of 2006
PACHIYA DEVI
Versus
BHAGWAN MANDAL
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4 27.8.2008 This revision application has been filed against the order dated 6.8.2006 passed by the Principal Judge, Family Court ,Bhagalpur in Misc. Case No. 77 of 2005 thereby prayer for maintenance under Section 125 of the Code of Criminal Procedure has been rejected.

Heard learned counsel for both parties.

It is submitted on behalf of the petitioner that the admitted position is that the petitioner is wife of opposite party. However, he has contracted second marriage with another lady. In spite of that the court below has not granted maintenance and had rejected the petition for maintenance.

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On the other hand, learned counsel for opposite party submitted that the impugned order itself would go to show that the petitioner is in possession of residential house as well as agricultural land of opposite party and she is utilizing entire usufructs of the agricultural land. In this respect the learned counsel has filed the evidence of petitioner. Other submission of learned counsel is that the petitioner has a major son capable to maintain his mother.

Considered the submission of the parties. Perused the impugned order.

On perusal of the impugned order it is apparent that the entire agricultural land and the house are in possession of the

petitioner since last twenty years and she has been alone utilizing usufructs of agricultural land. Therefore, there is no question of neglect. The learned lower court has rightly refused to grant maintenance to the petitioner.

Thus, having regard to the facts and circumstances of the case, I am not inclined to interfere in the impugned order dated 6.8.2006. Accordingly, this revision application stands rejected.

B.Jha **(Ghanshyam Prasad)**

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